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12/12/2001

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TRUONG, CAM Y T

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/020,483
Filing Date: December 12, 2001
Appellant(s): CLAPPER, EDWARD O.

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/15/2007 appealing from the Office action mailed 7/14/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,689,946	Funaki	4-2001
US 6,629,092	Berke	10-1999

US 5,765,152	Erickson	10-1995
US 5,991,756	Wu	11-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8, 10, 11, 13-15, 17, 20-22, 24 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funaki (USP 6689946) in view of Berke (USP 6629092).

As to claim 5 and 27, Funaki teaches the claimed limitations:

"a computing device receiving a search string including an ordered sequence of syllable counts" as the apparatus receives a searching string, i.e, the poem piece data bank. The apparatus matches the number of syllables is derived from the search string with the number of syllables of a given melody. The number of syllables of the search string is represented as an ordered sequence of syllable counts (figs. 10A-10B, 12, col.8, lines 5-50; col. 1, lines 20-22);

"comparing the ordered sequence of syllable counts with the contents of a database of analyzed documents" as matches the number of syllables is derived from

Art Unit: 2162

the search string with the number of syllables of a given melody or each paragraph of a song or music. Each song is divided into a plurality of paragraphs, set of words. These songs are not stored in a database (col. 1, lines 20-22; fig. 12, col.9, lines 21-50);

“each document comprising a plurality of words” as each song is divided into a plurality of paragraphs, set of words (col. 1, lines 15-23);

Funaki does not explicitly teach the claimed limitation “database; retrieving from the database a document uniquely represented by the search string”.

Berke teaches uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique combination stored in the database (col. 9, lines 57-60).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Berke's teaching of uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique combination stored in the database into Funaki's system in order to bring a single web page or home page to a user for further viewing or searching in that home page (col. 2, lines 30-35), to save time for users reading or search documents and further eliminate displaying irrelevance documents to a user.

As to claims 6, 14 and 21, Funaki teaches the claimed limitation “in receiving, the search string includes a word in place of the word's syllable count” as (fig. 12).

Art Unit: 2162

As to claim 7, Funaki teaches the claimed limitation "the search string includes two words in place of each respective word's syllable count" as (col. 8, lines 40-45).

As to claims 8, 15 and 22, Funaki teaches the claimed limitation "the database comprises a plurality of records, each comprising an ordered listing of words and an ordered syllable count listing" as (fig. 9).

As to claims 10 and 17, Funaki teaches the claimed limitation " in using, the input ordered sequence of syllable counts is matched with at least one corresponding ordered sequence of syllable counts within the database" as (col. 8, lines 5-50).

As to claims 11 and 29, Funaki does not explicitly teach the claimed limitation "displaying the document via the display". Berke teaches displaying the web site that is represented as a document. This information indicates that the system has included a display for displaying the web site to a user (col. 6, lines 1-5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Berke's teaching of displaying the web site to Funaki's system in order to allow a user can view and read information on a web site or a document.

As to claims 13 and 20, Funaki teaches the claimed limitations:

“receiving via the user interface a search string including an ordered sequence of syllable counts” as (col. 8, lines 5-30; col. 1, lines 20-22);

“comparing the ordered sequence of syllable counts with the contents of a database of analyzed document” as matches the number of syllables are derived from the search string with the number of syllables of a given melody or each paragraph of a song or music. Each song is divided into a plurality of paragraphs, set of words. These songs are not stored in a database (col. 1, lines 20-22);

“each document comprising a plurality of words” as each song is divided into a plurality of paragraphs, set of words (col. 1, lines 15-23);

Funaki does not explicitly teach the claimed limitation “database, retrieving from the database a document uniquely represented by the search string”.

Berke teaches a document contains a plurality of words and uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique combination stored in the database. Web site is represented as a document (col. 9, lines 57-60).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Berke's teaching of uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique combination stored in the database into Funaki's system in order to bring a single web page or home page to a user for further viewing or searching in that home page (col. 2, lines 30-35), to save time for users reading or search documents and further eliminate displaying irrelevance documents to a user.

As to claims 24 and 28, Funaki teaches the claimed limitation "in using, the input ordered sequence of syllable counts is matched with at least one corresponding ordered sequence of syllable counts within the database" as (col. 8, lines 5-50).

5. Claims 9, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funaki (USP 6689946) in view of Berke and further in view of Erickson (USP 5765152).

As to claims 9, 16 and 23, Funaki and Berke discloses the claimed limitation subject matter in claim 8, 15 and 22, except the claimed limitation " each database record comprises a work from the group comprising a literary work, a song lyric, a dramatic work, a motion picture script, and an audiovisual script". Erickson teaches electronic media stored within the memory means, the media being a digital representation of at least one of (i) literary work, (ii) musical work, (iii) dramatic work, (iv) choreographic work, (v) pictorial work, (vi) audiovisual work, (vii) a sound recording, and (viii) architectural work (col. 28, lines 13-17).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Erickson's teaching of electronic media stored within the memory means, the media being a digital representation of at least one of (i) literary work, (ii) musical work, (iii) dramatic work, (iv) choreographic work, (v) pictorial work, (vi) audiovisual work, (vii) a sound recording, and (viii) architectural work to

Funaki's system and Berke's system in order to allow a user to search/retrieve a media record.

6. Claims 12, 18, 19, 25, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funaki (USP 6689946) in view of Berke and further in view of Wu (USP 5991756).

As to claims 12, 19 and 26, Funaki and Berke disclose the claimed limitation subject matter in claim 11, 18 and 25, except the claimed limitation Funaki does not explicitly teach the claimed limitation "a plurality of documents are retrieved, and wherein the method further comprises: displaying the plurality of documents via the display". Wu teaches displaying hypertext documents that indicates the system has included a display for displaying hypertext documents to a user (col. 1, lines 55-57).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Wu's teaching of displaying hypertext documents to Funaki's system and Berke's system in order to allow a user can view and read information on a web site or a document.

As to claims 18 and 25, Funaki and Berke disclose the claimed limitation subject matter in claim 13 and 20, except the claimed limitation "displaying the document via the user interface. Wu teaches displaying hypertext documents that indicates the system has included a display for displaying hypertext documents to a user (col. 1, lines 55-57).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Wu's teaching of displaying hypertext documents to Funaki's system and Berke's system in order to allow a user can view and read information on a web site or a document.

As to claim 30, Funaki and Berke disclose the claimed limitation subject matter in claim 13, 20, except the claimed limitation "a display; wherein, in using, a plurality of documents are retrieved; and wherein the instructions, when accessed, result in the machine performing: generating a list of best-matched hits; and displaying the list of best-matched hits via the display". Wu teaches displaying hypertext documents that indicates the system has include a display for displaying hypertext documents to a user after searching terms in each candidates document (col. 1, lines 55-57; col. 2, lines 35-45).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Wu's teaching of displaying hypertext documents after searching terms in each candidates document to Funaki's system and Berke's system in order to allow a user can view and read information on a web site or a document.

(10) Response to Argument

Appellants argued that an "orderd sequence of syllables counts" is definitely not shown by Funaki.

In response to Appellants' argument, Funaki teaches a dictionary of fig. 12 stores the number of syllables of each word is calculated in advance based upon the syllable number count rules. For example, as shown in fig. 12, a word at line 17 in the dictionary is a Japanese word that has number of syllables counts such as 2, 3,4. An another Japanese word at line 10 has number of syllables counts such 1, 2 (col. 9, lines 59-64).

Appellants stated the Final Office Action asserts that Funaki teaches "receiving via the user interface a searching including an ordered sequence of syllable counts" (citing col. 1, lines 20-22; and col. 8, lines 5-30). However, Appellants strongly traverse this.

In response to Appellants' argument, Funaki teaches limitation "receiving via the user interface a searching including an ordered sequence of syllable counts" as shown in figures 10A and 10B, a search condition including the number of syllables of a word and the part of speech is entered by using the search condition designation unit F. The entered search condition is sent to the word search unit I in input display screens. When the search start instruction unit G instructs the word search unit I to start a search, the word search unit I sequentially read words registered in the dictionary (col. 8, lines 23-32). Wherein words are stored in a dictionary of figure 12 can has an ordered sequence of syllable counts such as a word at line 17 in the dictionary is a Japanese word that has number of syllables counts such as 2, 3,4. An another Japanese word at line 10 has number of syllables counts such 1, 2 (col. 9, lines 59-64).

Thus, a search condition can includes a number of syllables (2, 3,4) of a Japanese word or a number of syllables (1, 2) of another Japanese word. The number of syllables 2, 3, 4 or the number of syllables 1, 2 is represented as an ordered sequence of syllable counts.

As discussed above, the search condition is received via input display screens as an user interface. The search condition includes an ordered sequence of syllable counts (2, 3, 4).

Appellants argued that a prima facie case of obviousness has not been established, because motivation to combine Funaki and Berke is lacking, since such a combination would defeat the purpose of the Funaki system.

In response to Appellants' argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Berke's teaching of uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique combination stored in the database into Funaki's system in order to bring a single web

page or home page to a user for further viewing or searching in that home page (col. 2, lines 30-35), to save time for users reading or search documents and further eliminate displaying irrelevance documents to a user.

Appellants argued that a prima facie case of obviousness for claims 5, 13, 20 and 27 has not been established because the cited references do not teach “ordered sequence of syllable counts”; thus the rejection of claims 9, 16, 23 under 103 as being over Funaki in view of Berke and further in view of Erickson should be withdrawn.

In response to applicant’s argument, Funaki teaches a Japanese word that has number of syllables counts 2, 3,4 as an ordered sequence of syllable counts (figure 12). Thus, thus the rejection of claims 9, 16, 23 under 103 as being over Funaki in view of Berke and further in view of Erickson is established properly.

Appellants argued that a prima facie case of obviousness for claims 5, 13, 20 and 27 has not been established because the cited references do not teach “ordered sequence of syllable counts”; thus the rejection of claims 5-8, 10, 11, 13-15, 17, 20-22, 24, 27-29 under 103 as being over Funaki in view of Berke should be withdrawn.

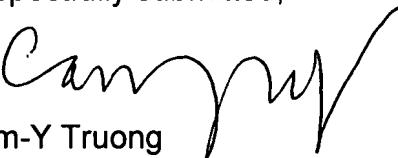
In response to applicant’s argument, Funaki teaches a Japanese word that has number of syllables counts 2, 3,4 as an ordered sequence of syllable counts (figure 12). Thus, the rejection of claims 9, 16, 23 under 103 as being over Funaki in view of Berke is established properly

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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